

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: HOASHI=2

#34
8-19-02
JPK

In re Application of:)	Art Unit: 1761
)	
Masahito HOASHI, et al.)	Examiner: D. BECKER
)	
Serial No.: 09/000,366)	Confirmation No. 5189
)	
Filed: January 28, 1998)	Washington D.C.
)	
For: METHOD FOR THAWING)	
FROZEN GROUND FISH)	
MEATS)	

TERMINAL DISCLAIMER

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

KABUSHIKIKAISHA KIBUN SHOKUHN, a corporation of the Country of Japan, having a principal place of business at Tokyo, Japan, (hereinafter referred to as "Assignee"), is the owner of 100% of the entire right, title and interest in and to the above-identified application and any patent to be granted thereon. Assignee, through its undersigned attorney of record, hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,096,367, plus any extension thereof which may be subsequently granted, and hereby agrees that any patent so

granted on the above-identified application shall be enforceable only for and during such period that said patent is ~~commonly~~ owned with United States Patent No. 6,096,367, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns. Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent No. in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(1), has all claims cancelled by reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above. This terminal disclaimer is being made without waiver of petitioner's rights under 35 U.S.C. §156, or elsewhere, which may be available to extend the term of any patent granted on the above-identified application beyond the date set by this terminal disclaimer (37 C.F.R. §1.775(a)). The fee required by 37 C.F.R. §1.20(d) is attached hereto.

It is Assignee's intent that the amount of time disclaimed and the scope of the common ownership clause be the minimum required by law and this document is to be construed to

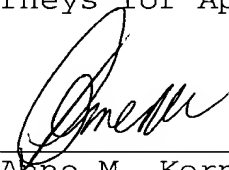
effectuate said intent. No admission is made that any claim of the above-identified application is obvious over any claim of Patent No. 6,096,367.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By



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G:\bn\s\siks\hoashi2\pto\terminal disclaimer

SUBJECT: DECISION ON TERMINAL DISCLAIMERS INFORMAL FORM

DATE: 8-19-02

APPL. S.N.: 91000366

TO EXAMINER: _____

ART UNIT: 1761

PARALEGAL: Jean Frantz

MAILROOM DATE: 8-13-02

AFTER FINAL YES ☒ NO ☐

NUMBER OF T.D(S). FILED 1

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate paragraphs identified by this informal memo in your next office action to notify applicant about the T.D. If you disagree, my analysis or have questions at all about the acceptability of the T.D., please see me or our Special Program Examiner. **MEMO IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE MAILED TO APPLICANT, NOR SHOULD A COPY BE LEFT IN FILE. WHEN YOUR OFFICE ACTION IS COMPLETED, YOU MUST INITIAL AND DATE & RETURN THIS MEMO TO ME.**

☒ The T.D. is PROPER and has been recorded. (See 14.23).

☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below. (See 14.24).

☐ The recording fee of \$ _____ has not been submitted nor is there any pre authorization in the application file to a deposit account. (See 14.25).

☐ Application Examiner has not processed T.D. fee. (See fee authorization).

☐ The T.D. does not satisfy Rule 321(b)(3) in that the person who has signed the T.D. has not stated his/her interest in the extent of the interest of the business entity represented by the signature in the application/patent. (See 14.26 and 14.27.1).

☐ The T.D. lacks the enforceable only during the common ownership clause needed to overcome a double patenting situation. (See 14.27, 14.27.1).

☐ It is directed to a particular claim(s), which is not acceptable since the disclaimer must be of a terminal portion of the entire patent to be granted. MPEP 1490. (See 14.26, 14.26.2).

☐ The person who signed the terminal disclaimer:

☐ has failed to state his/her capacity to sign for the business entity. (See 14.28).

☐ is not recognized as an officer of the assignee. (See 14.29 and possibly 14.29.1).

☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the frame specified as to where such evidence is recorded in the office. 37 CFR 3.73(b). (See 1140 O.G. 72). **NOTE:** This documentary evidence or the specifying of the reel and frame may be found in the T.D. or in a separate paper submitted by the applicant. (See 14.30).

☐ No statement specifying that the evidentiary documents have been reviewed and that, to the best of the assignee's knowledge and belief the title is in the assignee seeking to take action. 37 CFR 3.73(b). (See 1140 O.G. 72).

☐ The T.D. is not signed. (See 14.26, 14.26.3).

☐ Attorney not of record in oath/decl. or a separate paper filed appointing a new or associate attorney.

☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting is incorrect. (See 14.32).

☐ The serial number of this application (or the number of the patent in reexam or reissue case(s) being disclaimed) is incorrect. (See 14.26, 14.26.4 or 14.26.5).

☐ The period disclaimed is incorrect or not specified. (See 14.27, 14.27.2 or 14.27.3).

☐ Other: _____